

**UNITED STATES DISTRICT COURT  
for the  
DISTRICT OF MASSACHUSETTS**

<b>ABDUL SHABAZZ,</b> <b>Plaintiff</b>	)	
<b>V.</b>	)	<b>Civil Action</b>
<b>BLUE HARVEST FLEET, LLC AND</b> <b>BHF BLUE WATER, LLC</b> <b>Defendants</b>	)	<b>No.</b> _____

**PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL**

Now comes the Plaintiff in the above-entitled matter and for his complaint states:

**General Factual Allegations**

1. The Plaintiff, Abdul Shabazz, is a resident of Norfolk, State of Virginia.
2. The Defendant, Blue Harvest Fleet, LLC, is a foreign corporation, duly organized and existing under the laws of the Commonwealth of Massachusetts.
3. The Defendant, BHF Blue Water, LLC, is a foreign corporation duly organized and existing under the laws of the Commonwealth of Massachusetts.
4. On or about April 27, 2016, the Defendant, Blue Harvest Fleet, LLC, was doing business within the Commonwealth of Massachusetts.
5. On or about April 27, 2016, the Defendant, BHF Blue Water, LLC, was doing business within the Commonwealth of Massachusetts.
6. On or about April 27, 2016, the Plaintiff, Abdul Shabazz, was employed by the Defendant, Blue Harvest Fleet, LLC

7. On or about April 27, 2016, the Plaintiff, Abdul Shabazz, was employed by the Defendant, BHF Blue Water, LLC.

8. On or about April 27, 2016, the Plaintiff, Abdul Shabazz, was employed by the Defendant, Blue Harvest Fleet, LLC, as a seaman, and a member of the crew of the F/V BLUE WATER.

9. On or about April 27, 2016, the Plaintiff, Abdul Shabazz, was employed by the Defendant, BHF Blue Water, LLC, as a seaman and a member of the crew of the F/V BLUE WATER.

10. On or about April 27, 2016, the Defendant, Blue Harvest Fleet, LLC, owned the F/V BLUE WATER.

11. On or about April 27, 2016, the Defendant, BHF Blue Water, LLC, owned the F/V BLUE WATER.

12. The Defendant, Blue Harvest Fleet, LLC, chartered the F/V BLUE WATER from some other person or entity such that on or about April 27, 2016, the Defendant, Blue Harvest Fleet, LLC, was the owner pro hac vice of the F/V BLUE WATER.

13. The Defendant, BHF Blue Water, LLC, chartered the F/V BLUE WATER from some other person or entity such that on or about April 27, 2016, the Defendant, BHF Blue Water, LLC, was the owner pro hac vice of the F/V BLUE WATER.

14. On or about April 27, 2016, the Defendant, Blue Harvest Fleet, LLC, operated the F/V BLUE WATER.

15. On or about April 27, 2016, the Defendant, BHF Blue Water, LLC, operated the F/V BLUE WATER.

16. On or about April 27, 2016, the Defendant, Blue Harvest Fleet, LLC, or the Defendant's agents, servants, and/or employees, controlled the F/V BLUE WATER.

17. On or about April 27, 2016, the Defendant, BHF Blue Water, LLC, or the Defendant's agents, servants and/or employees, controlled the F/V BLUE WATER.

18. On or about April 27, 2016, the F/V BLUE WATER was in navigable waters.

19. On or about April 27, 2016, while in the in the performance of his duties in the service of the F/V BLUE WATER, the Plaintiff, Abdul Shabazz, sustained personal injuries.

20. Prior to and at the time he sustained the above-mentioned personal injuries, the Plaintiff, Abdul Shabazz, was exercising due care.

### **Jurisdiction**

21. This Court has subject matter jurisdiction over this matter pursuant to The Merchant Marine Act of 1920, commonly called the Jones Act, 46 U.S.C., §30104 et. seq. (formerly §688 et. seq.).

22. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §1331 and alternatively 28 U.S.C. §1332 and 1333.

### **COUNT I**

#### **ABDUL SHABAZZ V. BLUE HARVEST FLEET, LLC.** **(JONES ACT NEGLIGENCE)**

23. The Plaintiff, Abdul Shabazz, reiterates the allegations set forth in paragraphs 1 through 22 above.

24. The personal injuries sustained by the Plaintiff, Abdul Shabazz, were not caused by any fault on his part but were caused by the negligence of the Defendant, its agents, servants

and/or employees.

25. As a result of said injuries, the Plaintiff, Abdul Shabazz, has suffered pain of body and anguish of mind, lost time from his usual work and pursuits, incurred medical expenses, and has sustained and will sustain other damages as will be shown at trial.

26. This cause of action is brought under the Merchant Marine Act of 1920, commonly called the Jones Act.

WHEREFORE, the Plaintiff, Abdul Shabazz, demands judgment against the Defendant, Blue Harvest Fleet, LLC, in an amount to be determined by a jury together with interest and costs.

## **COUNT II**

### **ABDUL SHABAZZ V. BLUE HARVEST FLEET, LLC** **(GENERAL MARITIME LAW - UNSEAWORTHINESS)**

27. The Plaintiff, Abdul Shabazz, reiterates the allegations set forth in paragraphs 1 through 22 above.

28. The personal injuries sustained by the Plaintiff, Abdul Shabazz, were due to no fault of his, but were caused by the Unseaworthiness of the F/V BLUE WATER.

29. As a result of said injuries, the Plaintiff, Abdul Shabazz, has suffered pain of body and anguish of mind, lost time from his usual work and pursuits, incurred medical expenses, and has sustained and will sustain other damages as will be shown at trial.

30. This cause of action is brought under the General Maritime Law for Unseaworthiness and is for the same cause of action as Count I.

WHEREFORE, the Plaintiff, Abdul Shabazz, demands judgment against the Defendant,

Blue Harvest Fleet, LLC, in an amount to be determined by a jury together with interest and costs.

**COUNT III**

**ABDUL SHABAZZ V. BLUE HARVEST FLEET, LLC**  
**(GENERAL MARITIME LAW - MAINTENANCE and CURE)**

31. The Plaintiff, Abdul Shabazz, reiterates all of the allegations set forth in Paragraphs 1 through 22 above.

32. As a result of the personal injuries described in paragraph 19 above, the Plaintiff, Abdul Shabazz, has incurred and will continue to incur expenses for his maintenance and cure.

WHEREFORE, the Plaintiff, Abdul Shabazz, demands judgment against the Defendant, Blue Harvest Fleet, LLC, in an amount to be determined by a jury for maintenance and cure, together with costs and interest.

**COUNT IV**

**ABDUL SHABAZZ V. BHF BLUE WATER, LLC**  
**(JONES ACT NEGLIGENCE)**

33. The Plaintiff, Abdul Shabazz, reiterates the allegations set forth in paragraphs 1 through 22 above.

34. The personal injuries sustained by the Plaintiff, Abdul Shabazz, were not caused by any fault on his part but were caused by the negligence of the Defendant, its agents, servants and/or employees.

35. As a result of said injuries, the Plaintiff, Abdul Shabazz, has suffered pain of body and anguish of mind, lost time from his usual work and pursuits, incurred medical expenses, and has sustained and will sustain other damages as will be shown at trial.

36. This cause of action is brought under the Merchant Marine Act of 1920, commonly called the Jones Act.

WHEREFORE, the Plaintiff, Abdul Shabazz, demands judgment against the Defendant, BHF Blue Water, LLC, in an amount to be determined by a jury together with interest and costs.

**COUNT V**

**ABDUL SHABAZZ V. BHF BLUE WATER, LLC**  
**(GENERAL MARITIME LAW - UNSEAWORTHINESS)**

37. The Plaintiff, Abdul Shabazz, reiterates the allegations set forth in paragraphs 1 through 22 above.

38. The personal injuries sustained by the Plaintiff, Abdul Shabazz, were due to no fault of his, but were caused by the Unseaworthiness of the F/V BLUE WATER.

39. As a result of said injuries, the Plaintiff, Abdul Shabazz, has suffered pain of body and anguish of mind, lost time from his usual work and pursuits, incurred medical expenses, and has sustained and will sustain other damages as will be shown at trial.

40. This cause of action is brought under the General Maritime Law for Unseaworthiness and is for the same cause of action as Count IV.

WHEREFORE, the Plaintiff, Abdul Shabazz, demands judgment against the Defendant, BHF Blue Water, LLC, in an amount to be determined by a jury together with interest and costs.

**COUNT VI**

**ABDUL SHABAZZ V. BHF BLUE WATER, LLC**  
**(GENERAL MARITIME LAW - MAINTENANCE and CURE)**

41. The Plaintiff, Abdul Shabazz, reiterates all of the allegations set forth in Paragraphs 1 through 22 above.

42. As a result of the personal injuries described in paragraph 19 above, the Plaintiff, Abdul Shabazz, has incurred and will continue to incur expenses for his maintenance and cure.

WHEREFORE, the Plaintiff, Abdul Shabazz, demands judgment against the Defendant, BHF Blue Water, LLC, in an amount to be determined by a jury for maintenance and cure, together with costs and interest.

**PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL ISSUES  
RAISED IN COUNTS I, II, III, IV, V AND VI.**

Respectfully submitted for  
the Plaintiff, ABDUL SHABAZZ,  
by his attorneys,

/s/ Carolyn M. Latti  
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Dated: May 17, 2018